REMARKS

The above amendments and following remarks are submitted in response to the pending Official Action of the Examiner mailed December 27, 2007. Having addressed all objections and grounds of rejection, claims 1-21, being all the pending claims, are now deemed in condition for allowance. Entry of this amendment and reconsideration to that end is respectfully requested.

Claims 1-5 and 11-20 have been rejected under 35 U.S.C. 101 as not drawn to statutory subject matter. In response thereto, claims 1-2, 11, and 16-21 have been amended in accordance with Fig. 1 and pages 15-16 of Applicants' disclosure of the hardware configuration of the preferred embodiment.

Claims 1-21 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2005/0192851, published in the name of Rangnekar (hereinafter referred to as "Rangnekar"). The ground of rejection is respectfully traversed as to the amended claims for the following reasons.

The standards for a finding of anticipation during examination are specified in MPEP 2131, which provides in part:

> TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
> EVERY ELEMENT OF THE CLAIM
> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "**The identical invention must be shown in as complete detail as is contained in the ... claim.**" *Richardson v. Suzuki Motor*

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Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

The rejection is respectfully traversed because "the identical invention" is not shown by Rangnekar "in as complete detail as is contained in the claims", as amended, as is required by MPEP 2131.

Applicants' invention as disclosed and claimed provides a method and apparatus for requesting services from a legacy data base management system utilizing a computer terminal using standardized object-oriented command language which is incompatible with the legacy data base management system. This is accomplished by **using the legacy data base management system** to perform the required conversions using parameterized inputs defined in the incompatible standardized object-oriented command language. To further amplify this aspect of the claimed invention, independent claims 1, 6, 11, 16, and 21 have been amended in accordance with the summary of page 12, line 14, through page 15, line 18, of Applicants' specification.

For whatever reason, the Examiner has cited and sought to apply Rangnekar, which permits a customer to enter a booking query at an ATM. Thus, instead of a user performing data base functions using a data base management system via a user terminal as claimed, the user of the Rangnekar is limited to the minimal functions which can be performed by an ATM. To the extent that the Examiner cites conversions within Rangnekar, these amount to

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mere conversions of data string message formats within a web server rather than the claimed conversion of "user requests" within the same legacy data base management system as is used to actually honor the claimed service request. As a result of the lack of pertinence of this reference, the rejection of claims 1-21 can only be based upon clearly erroneous findings of fact and incorrect application of controlling law.

A key difference is that Rangnekar submits data via an ATM machine which may be converted, whereas Applicants' claimed invention submits command language which must be converted by the legacy data base management system into command language script which is executable by the legacy data base management system. Rangnekar converts data whereas Applicants' invention converts executable command language script. As is limiting of the pending dependent claims, various parameters submitted with the service request control conversion of the command language by the legacy data base management system

Claim 1, as amended, has four basic elements. The amended first element is "a terminal computer operable by a user which generates a user request in a standardized object-based command language for access to a data base". In making his rejection, the Examiner cites an "automatic teller machine" of Rangnekar. As a matter of law, the Examiner cannot find that the claimed

"terminal computer" is "interpreted to include "ATM....End User"
as alleged.

By way of definition, page 15, lines 11-13, Applicants'
specification states:

> The client interfaces with the system via Internet
> terminal 12. Preferably Internet terminal 12 is an
> industry compatible, personalized computer having a
> current version of the Windows operating system and
> suitable web browser, all being readily available
> commercial products.

It is inconceivable that this claimed element could be
"interpreted to include ATM" as alleged. Because the ATM is not
the claimed terminal, it cannot generate "a user request in a
standardized object-based command language for access to a data
base" as claimed. Actually, the user of an ATM can merely supply
data (e.g., account number, PIN, etc.).

The amended second claimed element is "a legacy data base
management system including a hardware server which cannot
execute said standardized object-based command language
responsively coupled to said terminal computer which honors said
user request by execution of a non-standardized command language
to produce a result from a dataset within said data base". In
making his rejection, the Examiner apparently cites CRS 30 of
Rangnekar. However, the Examiner ignores the remainder of the
claim which requires the claimed "legacy data base management
system" to be "responsively coupled to said computer terminal".
Surely, the Examiner does not suggest that Rangnekar discloses

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that CRS 30 is somehow "responsively coupled to said computer terminal", as claimed. Furthermore, because Rangnekar says nothing of a "dataset" within the claim associated with CRS 30, Examiner simply ignores the claimed limitation. Finally, the claim requires that the "legacy data base management system" **honors** the claimed user request by execution of a non-standardized command language to produce a result from a dataset. Nowhere does Rangnekar suggest that CRS 30 meets these limitations. Therefore, the Examiner simply ignores them.

The amended third claimed element is "a conversion facility for conversion of said standardized object-based command language to said non-standardized command language which is executable by said legacy data base management system". In making his rejection, the Examiner ignores the claimed limitations citing Figs. 18-19 and paragraphs 0118-0119. As if any of these citations have anything to do with the claimed element or HTML, the Examiner impermissibly states "interpreted to included HTML". As explained above, the amended claim element clearly requires conversion of the command language of the service request, rather than the data of the Rangnekar data transfer.

The amended fourth claimed element is "a facility responsively coupled to said legacy data base management system which prepares said result for transfer to said terminal computer and which modifies said dataset if and only if specified in said

service request". Ignoring these limitations, the Examiner states:

> ....interpreted to include "XML document is updated at a financial service system server only if there is a change in the city data"....

The Examiner then cites five full paragraphs of Rangnekar which have nothing to do with the claimed invention. It is truly confusing why the Examiner would consider these citations related to claim 1.

As a result of Rangnekar having none of the four elements of amended claim 1, the rejection of claim 1, and all claims depending therefrom, is respectfully traversed.

Claim 2 depends from claim 1 and further limits the coupling of the claimed "computer terminal". Even though the Examiner found the "computer terminal" of claim 1 to be "interpreted to be an ATM", he finds the further limitations to the coupling to be in the totally unrelated paragraphs 11 and 71. The claim explicitly requires the claimed "computer terminal" to be coupled in the claimed fashion. Yet, the Examiner ignores Rangnekar, paragraph 0111, which begins:

> As illustrated in FIG. 14, financial institutions run their ATM's 12 **on their private networks**.

Thus the Examiner's findings are incorrect as a matter of law.

Nevertheless, the Examiner has responded stating:

> The argument that the network is private does not necessarily contradict he network being "publicly accessible".

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This statement is legally irrelevant, because MPEP 2131 is concerned with that which is disclosed by the reference. The law requires disclosure of the "identical invention". The argument made by the Examiner is neither disclosed by Rangnekar, nor supported by the disclosure of Rangnekar. The rejection of claim 2 is respectfully traversed.

Claim 3 depends from claim 2 and is further limited "wherein the user request specifies the dataset". To make his rejection, the Examiner arbitrarily cites paragraphs 8-9, which says nothing of the claimed limitation. There is no "dataset", no ATM, etc. Thus, the Examiner has impermissibly based his rejection on clearly erroneous findings of fact. The rejection of claim 3 is respectfully traversed.

Claim 4 depends from claim 3 and further limits the claimed coupling network. As explained above, Rangnekar does not meet the limitations of claim 3 from which claim 4 depends. Therefore, Rangnekar cannot meet the further limitations of claim 4. Thus, the Examiner ignores the claimed invention and his previous findings to cite Rangnekar, paragraph 11. The rejection of claim 4 is respectfully traversed.

Claim 5 depends from claim 4 and further limits the claimed "standardized object-based command language". To make his rejection, the Examiner again ignores the claimed invention and simply seeks to find the words of the claim in disparate and

unrelated portions of the prior art. He cites paragraph 107, which relates to software not found in CRS 30, or the ATM 12. The rejection of claim 5 is respectfully traversed.

Claim 6, as amended, is an independent method claim having five limiting steps. Rangnekar has none of these five steps. Apparently, the Examiner has not found the first step to be expressly disclosed by Rangnekar, so the Examiner states:

....interpreted to include "prints your itinerary.... This statement is clearly erroneous on its face. Furthermore, the statement does not address Applicants' claimed invention, so even if true, it is legally irrelevant. Therefore, the first element of claim 6 is admittedly not found in Rangnekar.

The second claimed element is **receiving said service request** by said legacy data base management system". In making his rejection, the Examiner cites paragraph 0092, which concerns operation of a web server neither claimed by Applicants nor associated with the basic system having a "computer terminal" and a "legacy data base management system".

The amended third claimed element is "converting said service request from said standardized object-based command language into said non-standardized command language by said legacy data base management system". In making his rejection, the Examiner states:

....interpreted to include "converted to a query that is understandable by CRS 30"....

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In clearly erroneously finding the fourth element, the Examiner again admits that Rangnekar has no "legacy data base management system" which receives the claimed "service request" for conversion as required by claim element b. Furthermore, he readily admits that the conversion is not made by CRS 30 of Rangnekar.

The fifth claim element requires "modifying" a dataset. The Examiner cites paragraph 0150 which has nothing to do with this limitation. The rejection of amended claim 6, and all claims depending therefrom, is respectfully traversed.

Claim 7 depends from claim 6 and further limited by "wherein said dataset is specified by said service request". Instead of addressing the claimed limitation, the Examiner appears intent on showing the disclosure of a highlighted portion of Fig. 25. The rejection of claim 7 is respectfully traversed for failure to address the claimed invention.

Claim 8 depends from claim 7 and further limits the claimed coupling network. As explained above, Rangnekar does not meet the limitations of claim 7 from which claim 8 depends. Therefore, Rangnekar cannot meet the further limitations of claim 8. And again, the Examiner ignores the first sentence of paragraph 0111 which shows that even if ATM 12 did generate the claimed "service request", it is expressly coupled to a "private network". The rejection of claim 8 is respectfully traversed.

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Claim 9 depends from claim 8 and further limits the claimed coupling network. As explained above, Rangnekar explicitly discloses coupling only via a "private network" (see paragraph 0111). The rejection of claim 9 is respectfully traversed.

Claim 10 depends from claim 9 and further limits the claimed "standardized object-based command language". To make his rejection, the Examiner has again made a finding completely unsupported by the prior art of record. The rejection of claim 10 is respectfully traversed.

Claim 11, as amended, is an independent apparatus claim having five "means-plus-function" limitations. Nevertheless as explained above, the Examiner ignores his obligations under MPEP 2181-2184. For example, MPEP 2181 requires the Examiner to explicitly acknowledge these "means-plus-function" limitations. Furthermore, he simply states that Rangnekar meets the claimed elements without citation to or support from the prior art of record. Thus, the rejection of amended claim 11 is respectfully traversed for absence of examination in accordance with controlling law.

Claim 12 depends from claim 11 and is further limited by the claimed service request specifying the claimed dataset. In making his rejection, the Examiner cites Fig. 22 of Rangnekar, showing "options for travel between Bangalore-Delhi" (see paragraph 0070), which has nothing to do with the claimed

"service request" or the claimed "dataset". The rejection of claim 12 is respectfully traversed.

Claim 13 depends from claim 12 and is further limited by the claimed "means located within said permitting means for generating a second service request". Having not found the claimed "permitting means" in his rejection of claim 11, the Examiner somehow finds that the claimed limitations can somehow been found in Figs. 22-23. This finding is unsupported by the prior art and is therefore clearly erroneous. The rejection of claim 13 is respectfully traversed.

Claim 14 depends from claim 13 and further limits the claimed "offering means". Because Rangnekar does not have the claimed "offering means", it cannot have these further limitations. Therefore, the Examiner simply makes the unsupported statement that Rangnekar somehow contains these limitations. The rejection of claim 14 is respectfully traversed.

Claim 15 depends from claim 14 and further limits the claimed "permitting means". Because Rangnekar does not have the claimed "permitting means" as explained above, it cannot have these further limitations. Therefore, the Examiner expressly admits that claim 15 is not anticipated by Rangnekar, even though he has maintained his rejection. The rejection of claim 15 is

respectfully traversed as admittedly not anticipated by Rangnekar.

Claim 16, as amended, has had the limitations of the rather extensive preamble moved into the body of the claim. These limitations provide the basic environment of the invention, along with two key limiting elements. Rangnekar does not have these environmental limitations for the reasons discussed above. Thus, the Examiner simply finds these limitations without support from the prior art of record.

The third claimed element is the "conversion facility". Because Rangnekar does not have this element, the Examiner cites unrelated paragraph 0207. Apparently, for some reason, the Examiner appears to assume that "Perl using COM" is somehow related to the claimed "conversion facility". In addition to these findings being unrelated to the claimed invention, this finding is clearly erroneous.

The fourth claimed element is the "facility which modifies" the claimed "dataset". In making his rejection, the Examiner cites paragraph 0220 stating:

> "Cancelled (sic) means that this transaction was cancelled (sic) upon the customer's request".

It is unknown why the Examiner considers this relevant to the claimed element. Perhaps the Examiner equates the claimed "modifies" with the disclosed "canceled". If so, this is also logically inconsistent.

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Therefore, the rejection of amended claim 16, and all claims depending therefrom, is respectfully traversed.

Claim 17 depends from claim 16 and is further limited by "wherein said dataset is specified by said service request". Apparently, the Examiner has found this within Rangnekar completely without support from the reference. The rejection of claim 17 is respectfully traversed.

Claim 18 depends from claim 17 and further limits the claimed coupling network. Because Rangnekar cannot meet the limitations of claim 17 from which claim 18 depends, it cannot meet the further limitations of claim 18. Therefore, the Examiner cites a "disembodied" reference to "Internet" 12 at Fig. 2, which is clearly not coupled to ATM 12 (see paragraph 0111 in addition to Fig. 2). That the reference parenthetically mentions "Internet" which is not coupled as required by the claim, is legally irrelevant. The rejection of claim 18 is respectfully traversed.

Claim 19 depends from claim 18 and further limits the claimed coupling network. Because Rangnekar cannot meet the limitations of claim 18 from which claim 19 depends, it cannot meet the further limitations of claim 19. The rejection of claim 19 is respectfully traversed.

Claim 20 depends from claim 19 and further limits the claimed standardized command language. Because Rangnekar cannot

meet the limitations of claim 19 from which claim 20 depends, it cannot meet the further limitations of claim 20. The rejection of claim 20 is respectfully traversed.

In rejecting amended claim 21, the Examiner makes many of the same errors discussed above. In addition, the Examiner makes additional errors. For example, in finding the claimed "computer terminal which **generates** a user request in a standardized object-based command language which specifies access to a dataset within a data base", the Examiner makes much of the ".pl" in the Window bar of Figs. 16-17. Because the reference does not disclose the implications of ".pl", the Examiner provides his own testimony concerning what Rangnekar could have disclosed, if access were available to Applicants' disclosure. It is unknown why the Examiner finds that this shows the claimed "terminal which generates a user request....".

Similarly, the second claimed element is a "legacy data base management system...." and the Examiner cites Fig. 12 showing an ATM. The Examiner further mentions Phone Agents 2-5 and "travel desk" of Fig. 5B.

The third claimed element is a "conversion facility". For whatever reason, the Examiner makes citations to references which are clearly not prior art. The "testimony' of the Examiner is not prior art.

The fourth claimed element is a "facility". In making his rejection, the Examiner cites four unrelated paragraphs from Rangnekar. The rejection of amended claim 21 is respectfully traversed.

Claims 1, 6, 11, 16, and 21 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Because this is a provisional rejection, the matter is not ripe by definition. This matter will be dealt with when ripe by way of terminal disclaimer or other appropriate means.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-21 being the only pending claims.
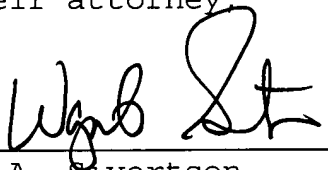
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Respectfully submitted,

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By their attorney,

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